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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,198	08/27/2003	Pachinco Yang	BHT-3212-40	3479
7590	08/16/2006			EXAMINER PATEL, ANAND B
TROXELL LAW OFFICE PLLC SUITE 1404 5205 LEESBURG PIKE FALLS CHURCH, VA 22041			ART UNIT 2116	PAPER NUMBER

DATE MAILED: 08/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/648,198	YANG, PACHINCO	
	Examiner	Art Unit	
	Anand Patel	2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 June 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-16 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## **DETAILED ACTION**

1. Response filed 6/23/06 has been entered.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 10, 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No 6005180 to Masuda.

- As per claim 1, Masuda discloses a data processing system (figure 1) comprising:
  - A microprocessor (1, 2) comprising:
    - A central processing unit (CPU) for executing programs or calculating data (1); and
    - A built-in non-volatile program memory (2) within the microprocessor for storing a startup program (column 3, lines 65-66);
  - A volatile memory (3) for storing programs or data temporarily (column 3, line 66 – column 4, line 1);
  - A permanent memory (4) for storing an application program permanently (column 4, lines 1-7);
  - A bus (BUS LINE) connected to the microprocessor, the volatile memory, and the permanent memory for transmitting programs or data (column 3, lines 63-65); and
  - A power supply comprising a switch and providing power to the data processing system to maintain normal operation of the data processing system (inherent given system startup in figure 4 and column 6, lines 40-42);

- Wherein, while the switch of the power supply is turned on, the startup program stored in the non-volatile program memory is initialized first to load the application program from the permanent memory into the volatile memory via the bus, so that the CPU only needs to call and execute the application program in the volatile memory, instead of the permanent memory (column 6, lines 40-52).
- As per claim 10, Masuda discloses a data processing system wherein the permanent memory is used for storing the application program and is provided for the CPU to access data (column 4, lines 1-7).
- As per claim 15, Masuda discloses a data processing system wherein while the switch of the power supply is turned off, the application program stored in the volatile memory vanishes (inherent given that RAM is a volatile memory); however, the startup program stored in the non-volatile program memory and the application program stored in the permanent memory are kept (inherent given that ROM and hard drives are nonvolatile memories).
- As per claim 16, Masuda discloses a data processing system wherein the data processing system does not comprise an external non-volatile program memory for storing the application program (figure 1).

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masuda in view of US Patent No 6668266 to Kiuchi et al (Kiuchi).

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- As per claim 2, Masuda discloses a data processing system wherein the non-volatile program memory is a ROM (2). Masuda fails to disclose a mask ROM. Kiuchi teaches a mask ROM as a type of ROM (column 6, lines 35-38). An advantage of the system taught by Kiuchi is the ability to enhance efficiency of a data processing system (column 2, lines 30-48). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Masuda to include the mask ROM as taught by Kiuchi. Motivation to modify is to increase system efficiency.

- As per claim 3, Masuda discloses a data processing system wherein the non-volatile program memory is a ROM (2). Kiuchi teaches a flash memory as a type of ROM (column 6, lines 35-38).

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Masuda in view of US Patent No 4745392 to Ise et al (Ise).

- As per claim 4, Masuda discloses a data processing system with a non-volatile program memory (2). Masuda fails to disclose specific capacities of the memory. Ise teaches a read-only memory that is 1 kilobyte (column 5, lines 26-31). An advantage of the system taught by Ise is the ability to reduce noise in signal transmission (column 1, lines 18-33). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Masuda to include the read-only memory with a 1kb size as taught by Ise. Motivation to modify is to reduce noise in signal transmissions.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Masuda in view of US Patent No 6314024 to Kakihara.

- As per claim 5, Masuda discloses a data processing system with an application program (OS). Masuda fails to disclose specific sizes of the programs. Kakihara teaches a program that is between 32K and 1M bytes (column 5, lines 25-27), and is larger than the capacity of the non-volatile program memory (inherent given the ROM is 1 kilobyte). An advantage of the system taught by Kakihara is the ability to easily correct bugs in a program (column 2, lines 10-15). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Masuda to include the program of

size between 32K and 1Mbytes as taught by Kakihara. Motivation to modify is to more easily remedy program flaws.

8. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masuda in view of US Patent No 6832194 to Mozer et al (Mozer).

- As per claim 6, Masuda discloses a data processing system with a volatile memory (3). Masuda fails to disclose specifics of the memory. Mozer teaches a volatile memory that is a built-in static random access memory (SRAM) inside the microprocessor (column 14, lines 29-32). An advantage of the system taught by Mozer is the ability to implement a processing system with lower costs and higher flexibility (column 1, line 60 – column 2, line 1). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Masuda to implement the memory as a static random access memory built into the microprocessor as taught by Mozer. Motivation to modify is to lower costs and increase flexibility.
- As per claim 7, Masuda discloses a data processing system with a volatile memory (3). Mozer teaches a volatile memory that is an external dynamic random access memory (DRAM) outside the microprocessor (column 14, lines 29-32).

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Masuda in view of US Patent No 5701511 to Smith.

- As per claim 8, Masuda discloses a data processing system with a volatile memory (3). Masuda fails to disclose specifics of the memory. Smith teaches a volatile memory that is used for temporarily storing the temporary data generated by the application program and the CPU (column 4, lines 55-58). An advantage of the system taught by Smith is the ability to synchronize various data streams at lower costs (column 2, lines 9-18). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Masuda to use the memory to temporarily store temporary

data generated by the application program and the CPU as taught by Smith. Motivation to modify is to lower costs in the system.

10. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Masuda in view of US Patent No 6683817 to Wei et al (Wei).

- As per claim 9, Masuda teaches a permanent memory that is a hard drive external to the microprocessor (4; figure 1). Masuda fails to disclose specifics of the memory. Wei teaches equivalence of a NAND flash memory and a hard disk (column 7, lines 63-66). An advantage of the system taught by Wei is the ability to improve data transfer and data integrity (column 2, lines 5-9). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Masuda to substitute the hard disk with the NAND flash memory as taught by Wei. Motivation to modify is to improve data transfer performance and data integrity.

11. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masuda in view of Applicant's Admitted Prior Art (AAPA).

- As per claim 11, Masuda discloses a data processing system (figure 1). Masuda fails to disclose wherein the data processing system is a digital still camera. AAPA teaches wherein a data processing system can be applied to a DSC (page 1, lines 1-2). An advantage of the system taught by AAPA is the ability to make the system portable (page 1, lines 1-2). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Masuda to implement the data processing system in a DSC as taught by AAPA. Motivation to modify is to make the system portable.
- As per claim 12, Masuda discloses a data processing system (figure 1). AAPA teaches wherein a data processing system can be applied to a DVC (page 1, lines 1-2).
- As per claim 13, Masuda discloses a data processing system (figure 1). AAPA teaches wherein a data processing system can be applied to a digital voice recorder (page 1, lines 1-2).

- As per claim 14, Masuda discloses a data processing system (figure 1). AAPA teaches wherein a data processing system can be applied to an MP3 player (page 1, lines 1-2).

*Response to Arguments*

12. Applicant's arguments filed 6/23/06 have been fully considered but they are not persuasive.
13. Applicant argues Masuda discloses an external ROM as opposed to a built-in memory. Examiner disagrees. Interpreting the microprocessor to be elements 1 and 2, Masuda discloses a CPU and a memory as part of the microprocessor. Applicant further argues that Masuda does not disclose the same problem, object, or solution. This is immaterial to patentability given the disclosure of the claimed invention in the Masuda patent. Nothing in the claims or specification limits the definition of built-in to meaning on the same chip or piece of silicon.
14. Applicant argues that all references in the 35 U.S.C. 103 rejections detailed above lack specific teachings in order to reach full disclosure of the claimed invention. Examiner notes applicant's general assertion but the lack of explicit arguments makes the contention moot.

*Conclusion*

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anand Patel whose telephone number is (571) 272-7211. The examiner can normally be reached on Mon-Fri 8AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (571) 272-3670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ABP



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